

(c) detecting in the sample an amount of a polynucleotide that hybridizes to the oligonucleotide probe; and

(d) comparing the amount of polynucleotide that hybridizes to the oligonucleotide probe in step (c) to the amount of polynucleotide that hybridizes to the same oligonucleotide probe contacted with a normal biological sample, and therefrom detecting the presence of breast cancer in the patient.

124. (New) A method for detecting the presence of breast cancer in a patient, comprising the steps of:

(a) obtaining a biological sample from the patient;

(b) contacting the biological sample with an oligonucleotide probe comprising the polynucleotide sequence of SEQ ID NO: 67;

(c) detecting in the sample an amount of a polynucleotide that hybridizes to the oligonucleotide probe; and

(d) comparing the amount of polynucleotide that hybridizes to the oligonucleotide probe in step (c) to the amount of polynucleotide that hybridizes to the same oligonucleotide probe contacted with a normal biological sample, and therefrom detecting the presence of breast cancer in the patient.

REMARKS

Favorable reconsideration of the subject patent application is respectfully requested in view of the following remarks. Claims 107-124 are now in the case. Claims 1-31, 34-42, and 53-106 have been cancelled. It is urged that support for all the above amendments may be found throughout the specification as originally filed (see for example, pages 28-29, 31-32) and that none of the amendments constitutes new matter. It should also be noted that the above amendments are not to be construed as acquiescence with regard to the Office's rejections. Applicants reserve the right to pursue any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

Claims 89-106 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Office asserts that probes and/or primers which are "specific" to the elected sequences, beyond the exact complementarity and lengths of the elected sequences are included but not disclosed as to written description.

Applicants respectfully traverse this ground for rejection. Nevertheless, to advance allowance of particular embodiments of Applicants' invention, Applicants have cancelled claims 89-106 rendering this rejection moot. Newly added claims 107-124 recite amplifying the polynucleotide sequences recited in the various elected SEQ IDs, or detection of using an oligonucleotide probe that comprises the polynucleotide sequence recited in the various elected SEQ IDs.

Applicants respectfully submit that the above amendments and comments obviate and overcome the rejection and request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Claims 89-106 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Office asserts that the specification is not enabling for the claimed methods of using the elected sequences or specified oligonucleotide primers as claimed.

Applicants respectfully traverse this ground for rejection. Nevertheless, to advance allowance of particular embodiments of Applicants' invention, Applicants have cancelled claims 89-106 rendering this rejection moot. Newly added claims 107-124 recite comparison of the amount of amplified or detected polynucleotide sequence derived from biological samples from the patient with the amount of amplified or detected polynucleotide sequence derived from normal biological samples.

Applicants respectfully submit that the above amendments and comments obviate and overcome the rejection and request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1-31, 34-42 and 53-106 have been cancelled.

New claims 107-124 have been added.

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